

**53A-15-101. Higher education courses in the public schools --
Cooperation between public and higher education -- Partial tuition -- Reporting.**

(1) The State Board of Education in collaboration with the State Board of Regents shall implement:

(a) a curriculum program and delivery system which allows students the option to complete high school graduation requirements and prepares them to meet college admission requirements at the conclusion of the eleventh grade, but does not preclude a student involved in accelerated learning programs from graduating at an earlier time;

(b) a program of selected college credit courses in general and career and technical education made available in cooperation with the State Board of Regents, as resources allow, through concurrent enrollment with one or more of the state's institutions of higher education;

(c) a course of study for a student who decides to continue on through the twelfth grade that would allow the student to take courses necessary to graduate from high school, and at the student's option, to become better prepared for the world of work, or complete selected college level courses corresponding to the first and second year of course work at a university, college, or community college in the state system of higher education; and

(d) a program for advanced placement which permits students to earn high school credits while qualifying to take advanced placement examinations for college credit.

(2) The delivery system and curriculum program shall be designed and implemented to take full advantage of the most current available educational technology.

(3) The State Board of Regents shall adopt rules to ensure the following:

(a) early high school graduates who are academically prepared and meet college admission requirements may be enrolled in one of the state's institutions of higher education;

(b) college credit courses are taught in high school concurrent enrollment programs by college or university faculty or public school educators under the following conditions:

(i) to ensure that students are prepared for college level work, an appropriate assessment is given:

(A) prior to participation in mathematics and English courses; and

(B) in meeting prerequisites previously established for the same campus-based course by the sponsoring institution;

(ii) public school educators in concurrent enrollment programs must first be approved as adjunct faculty and supervised by a state institution of higher education;

(iii) teaching is done through live classroom instruction or telecommunications;

(iv) collaboration among institutions to provide opportunities for general education and high demand career and technical education concurrent enrollment courses to be offered statewide, including via technology;

(v) course content, procedures, and teaching materials in concurrent enrollment programs are approved by the appropriate department or program at an institution of higher education in order to ensure quality and comparability with courses offered on college and university campuses;

(vi) concurrent enrollment may not include high school courses that are typically offered in grades 9 or 10, except as provided under Subsection (3)(b)(viii);

(vii) students may only be charged fees or partial tuition in accordance with Subsections (9)(c) and (10); and

(viii) the provisions under Subsection (3)(b)(vi) do not apply to an early college high school; and

(c) college credits obtained under this section shall be accepted for transfer of credit purposes as if they had been obtained at any public institution of higher education within the state system.

(4) (a) Concurrent enrollment courses shall be introductory-level general education, career and technical education, or pre-major college-level courses at a state institution of higher education leading toward a certificate or degree.

(b) The State Board of Regents shall develop technology-intensive concurrent enrollment courses, designed as:

(i) hybrid courses, having a blend of different learning activities available both in classrooms and online; or

(ii) courses delivered exclusively online.

(c) The courses described in Subsection (4)(b) shall facilitate articulation, transfer of credit, and when possible, use open source materials available to all state institutions of higher education in order to reduce costs.

(5) Except as provided in Subsection (6)(b), concurrent enrollment courses may be offered to high school students only by the state institution of higher education in the corresponding geographic service region, as designated by the State Board of Regents.

(6) (a) A local school board or charter school governing board shall contact the state institution of higher education in the corresponding geographical service region to provide a concurrent enrollment course, and the higher education institution shall respond to the request within 60 days after the day on which the board contacts the institution on whether the institution chooses to offer the requested course.

(b) (i) If the state institution of higher education in the corresponding service region chooses not to offer the concurrent enrollment course, another state institution of higher education may offer the concurrent enrollment course.

(ii) Courses delivered through technology are not subject to the corresponding geographic service region requirement in Subsection (5).

(7) College-level courses taught in the high school carry the same credit hour value as when taught on a college or university campus and apply toward graduation on the same basis as courses taught at an institution of higher education to which the credits are submitted.

(8) The State Board of Education shall provide students in the public schools with the option of accelerating their educational program and graduating at the conclusion of the eleventh grade.

(9) (a) The State Board of Education and State Board of Regents shall work in close cooperation in developing, implementing, and evaluating the program established under this section, including working together to effectively advise high school students on registering for concurrent enrollment courses, as described in Section 53B-1-109.

(b) (i) Each high school shall receive its proportional share of concurrent enrollment money appropriated or allocated pursuant to Section 53A-17a-120.5 based

upon the hours of higher education course work undertaken by students at the school under Subsections (1)(b) and (1)(c) as compared to the state total.

(ii) School districts shall contract with institutions of higher education to provide the higher education services required under this section.

(c) Higher education tuition and fees may not be charged for participation in this program, except that each institution within the state's higher education system may charge:

(i) a one-time per student per institution admissions application fee for concurrent enrollment course credit offered by the institution; and

(ii) except as provided in Subsection (10), partial tuition of up to \$30 per credit hour for each concurrent enrollment course for which the student receives college credit, paid directly to the institution of higher education that offers the credit.

(d) Payment of the fee under Subsection (9)(c)(i) satisfies the general admissions application fee requirement for a full-time or part-time student at an institution so that no additional admissions application fee may be charged by the institution.

(10) (a) A state institution of higher education may only charge a concurrent enrollment student who qualifies for free or reduced price school lunch partial tuition of up to \$5 per credit hour for each concurrent enrollment course for which the student receives college credit.

(b) If a concurrent enrollment course is taught by a public school educator in a public school facility, a state institution of higher education may only charge up to \$10 per credit hour for the concurrent enrollment course for which the student receives college credit.

(c) If a concurrent enrollment course is taught through video conferencing, a state institution of higher education may only charge up to \$15 per credit hour for the concurrent enrollment course for which the student receives credit.

(11) The State Board of Regents shall annually report to the Legislature's Higher Education Appropriations Subcommittee on any partial tuition charged pursuant to Subsection (9)(c).

Amended by Chapter 75, 2013 General Session

53A-15-101.5. Concurrent enrollment instruction in Mandarin Chinese.

(1) (a) As used in this section, "category IV languages" means those languages designated the most difficult to learn by the Defense Language Institute as provided in training to members of the United States Military.

(b) The Legislature recognizes:

(i) the importance of students acquiring skills in foreign languages in order for them to successfully compete in a global society; and

(ii) that the acquisition of category IV languages, such as Mandarin Chinese, Arabic, Korean, and Japanese, by students in the state's public schools requires extended sequences of study to acquire useful proficiency in listening, speaking, reading, and writing.

(2) (a) As a component of the concurrent enrollment program authorized under Section 53A-15-101, the State Board of Education and the State Board of Regents, in

consultation with the Utah Education and Telehealth Network, may develop and implement a concurrent enrollment course of study in the category IV language of Mandarin Chinese.

(b) The course shall be taught over the state's two-way interactive video conferencing system for video and audio, to high school juniors and seniors in the state's public education system.

(3) (a) The concurrent enrollment course in Mandarin Chinese authorized in Subsection (2) may use paraprofessionals in the classroom who:

(i) are fluent in Mandarin Chinese; and

(ii) can provide reinforcement and tutoring to students on days and at times when they are not receiving instruction under Subsection (2)(b).

(b) The State Board of Education, through the State Superintendent of Public Instruction, and professors who teach Chinese in the state system of higher education shall jointly ensure that the paraprofessionals are fluent in Mandarin Chinese.

(4) The State Board of Education and the State Board of Regents shall make joint rules on the concurrent enrollment course authorized under this section in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to include:

(a) notification to school districts on the times and places of the course offerings; and

(b) instructional materials for the course.

(5) Students who successfully complete the concurrent enrollment course offered under this section shall receive tuition reimbursement for a sequential Mandarin Chinese course they successfully complete at an institution within the state system of higher education under rules made by the State Board of Regents in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(6) The State Board of Education and the State Board of Regents shall jointly track and monitor the Mandarin Chinese language program and may expand the program to include other category IV languages, subject to student demand for the courses and available resources.

Amended by Chapter 63, 2014 General Session

53A-15-102. Early graduation incentives -- Incentive to school district -- Partial tuition scholarship for student -- Payments.

(1) Any secondary public school student who has completed all required courses or demonstrated mastery of required skills and competencies may, with the approval of the student, the student's parent or guardian, and an authorized local school official, graduate at any time.

(2) Each public high school shall receive an amount equal to 1/2 of the scholarship awarded to each student who graduates from the school at or prior to the conclusion of the eleventh grade, or a proportionately lesser amount for any student who graduates after the conclusion of the eleventh grade but prior to the conclusion of the twelfth grade.

(3) (a) A student who graduates from high school at or prior to the conclusion of the eleventh grade shall receive a centennial scholarship in the lesser amount of full tuition for one year or \$1,000 to be used for full time enrollment at a Utah public college,

university, community college, applied technology center, or any other institution in the state of Utah, accredited by the Northwest Association of Schools and Colleges that offers postsecondary courses of the student's choice upon verification that the student has registered at the institution during the fiscal year following graduation from high school.

(b) In the case of a student who graduates after the conclusion of the eleventh grade but prior to the conclusion of the twelfth grade, the student shall receive a centennial scholarship of a proportionately lesser amount.

(4) (a) The payments authorized in Subsections (2) and (3)(a) shall be made during the fiscal year that follows the student's graduation.

(b) The payments authorized in Subsection (3)(b) may be made during the fiscal year in which the student graduates or the fiscal year following the student's graduation.

(5) (a) The State Board of Education shall administer the payment program authorized in Subsections (2), (3), and (4).

(b) (i) The Legislature shall make an annual appropriation from the Uniform School Fund to the State Board of Education for the costs associated with the Centennial Scholarship Program based on the projected number of students who will graduate before the conclusion of the twelfth grade in any given year.

(ii) It is understood that the appropriation is offset by the state money that would otherwise be required and appropriated for these students if they were enrolled in an additional grade for a full year.

Amended by Chapter 96, 1995 General Session

53A-15-104. Critical Languages Program -- Pilot.

(1) (a) As used in this section, "critical languages" means those languages described in the federal National Security Language Initiative, including Chinese, Arabic, Russian, Farsi, Hindi, and Korean.

(b) The Legislature recognizes:

(i) the importance of students acquiring skills in foreign languages in order for them to successfully compete in a global society; and

(ii) the academic, societal, and economic development benefits of the acquisition of critical languages.

(2) (a) The State Board of Education, in consultation with the Utah Education and Telehealth Network, shall develop and implement courses of study in the critical languages.

(b) A course may be taught:

(i) over the state's two-way interactive video conferencing system for video and audio, to students in the state's public education system;

(ii) through the Electronic High School;

(iii) through traditional instruction; or

(iv) by visiting guest teachers.

(3) (a) The courses authorized in Subsection (2) may use paraprofessionals in the classroom who:

(i) are fluent in the critical language being taught; and

(ii) can provide reinforcement and tutoring to students on days and at times when

they are not receiving instruction under Subsection (2)(b).

(b) The State Board of Education, through the state superintendent of public instruction, shall ensure that the paraprofessionals are fluent in the critical languages.

(4) The State Board of Education shall make rules on the critical languages courses authorized under this section in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to include:

(a) notification to school districts on the times and places of the course offerings; and

(b) instructional materials for the courses.

(5) The State Board of Education shall track and monitor the Critical Languages Program and may expand the program to include more course offerings and other critical languages, subject to student demand for the courses and available resources.

(6) (a) Subject to funding for the program, the State Board of Education shall establish a pilot program for school districts and schools to initially participate in the Critical Languages Program that provides:

(i) up to \$6,000 per language per school, for up to 60 schools, for courses offered in critical languages;

(ii) up to \$100 per student who completes a critical languages course; and

(iii) up to an additional \$400 per foreign exchange student who completes a critical languages course.

(b) If the available funding is insufficient to provide the amounts described under Subsection (6)(a), the amounts provided shall be reduced pro rata so that the total provided does not exceed the available funding.

Amended by Chapter 63, 2014 General Session

53A-15-105. Dual Language Immersion Program -- Pilot.

(1) Subject to funding for the program, the State Board of Education shall establish a pilot program for school districts and schools to initially participate in the Dual Language Immersion Program.

(2) The program shall provide funds as an incentive to 15 qualifying schools for the following languages:

(a) six pilots for Chinese;

(b) six pilots for Spanish;

(c) two pilots for French; and

(d) one pilot for Navajo.

(3) Subject to funding for the program, a qualifying school shall:

(a) receive up to \$18,000 per year for up to six years;

(b) establish an instructional model that uses 50% of instruction in English and 50% of instruction in another language; and

(c) begin the instructional model described under Subsection (3)(b) in kindergarten or grade 1 and add an additional grade each year.

Enacted by Chapter 235, 2008 General Session

53A-15-202. Powers of the board.

The State Board of Education:

(1) shall establish minimum standards for career and technical education programs in the public education system;

(2) may apply for, receive, administer, and distribute funds made available through programs of federal and state governments to promote and aid career and technical education;

(3) shall cooperate with federal and state governments to administer programs which promote and maintain career and technical education;

(4) shall cooperate with the Utah College of Applied Technology, Salt Lake Community College's School of Applied Technology, Snow College, and Utah State University Eastern to ensure that students in the public education system have access to career and technical education at Utah College of Applied Technology campuses, Salt Lake Community College's School of Applied Technology, Snow College, and Utah State University Eastern;

(5) shall require that before a minor student may participate in clinical experiences as part of a health care occupation program at a high school or other institution to which the student has been referred, the student's parent or legal guardian has:

(a) been first given written notice through appropriate disclosure when registering and prior to participation that the program contains a clinical experience segment in which the student will observe and perform specific health care procedures that may include personal care, patient bathing, and bathroom assistance; and

(b) provided specific written consent for the student's participation in the program and clinical experience; and

(6) shall, after consulting with school districts, charter schools, the Utah College of Applied Technology, Salt Lake Community College's School of Applied Technology, Snow College, and Utah State University Eastern, prepare and submit an annual report to the governor and to the Legislature's Education Interim Committee by October 31 of each year detailing:

(a) how the career and technical education needs of secondary students are being met; and

(b) what access secondary students have to programs offered:

(i) at applied technology colleges; and

(ii) within the regions served by Salt Lake Community College's School of Applied Technology, Snow College, and Utah State University Eastern.

Amended by Chapter 465, 2013 General Session

53A-15-205. Disability Determination Services Advisory Council -- Membership -- Duties -- Requirements for DDDS.

(1) As used in this section, "council" means the Disability Determination Services Advisory Council created in Subsection (2).

(2) There is created the Disability Determination Services Advisory Council to act as an advisory council to the State Board of Education regarding the Division of Disability Determination Services (DDDS) established under Chapter 24, Part 5, Division of Disability Determination Services.

(3) The council is composed of the following members:

- (a) the administrator of DDDS;
- (b) a representative of the United States Department of Health and Human Services, Social Security Administration, appointed by the board; and
- (c) nine persons, appointed by the board in accordance with Subsections (5) and (6), who represent a cross section of:
 - (i) persons with disabilities;
 - (ii) advocates for persons with disabilities;
 - (iii) health care providers;
 - (iv) representatives of allied state and local agencies; and
 - (v) representatives of the general public.
- (4) The members appointed under Subsections (3)(a) and (3)(b) serve as nonvoting members of the council.
- (5) In appointing the members described in Subsection (3)(c), the board shall:
 - (a) solicit nominations from organizations and agencies that represent the interests of members described in that subsection; and
 - (b) make every effort to create a balance in terms of geography, sex, race, ethnicity, and type of both mental and physical disabilities.
- (6) (a) In making initial appointments of members described in Subsection (3)(c), the board shall appoint three members for two-year terms, three members for four-year terms, and three members for six-year terms. All subsequent appointments are for four years.
- (b) The board shall fill any vacancy that occurs on the council for any reason by appointing a person for the unexpired term of the vacated member.
- (c) Council members are eligible for one reappointment and serve until their successors are appointed.
- (7) Five voting members of the council constitute a quorum. The action of a majority of a quorum represents the action of the council.
- (8) Members of the council serve without compensation but may be reimbursed for expenses incurred in the performance of their official duties.
- (9) (a) The council shall annually elect a chairperson from among the membership described, and shall adopt bylaws governing its activities.
- (b) The chairperson shall set the meeting agenda.
- (10) The council shall:
 - (a) advise DDDS and the Social Security Administration regarding its practices and policies on the determination of claims for Social Security disability benefits;
 - (b) participate in the development of new internal practices and procedures of DDDS and policies of the Social Security Administration regarding the evaluation of disability claims;
 - (c) recommend changes to practices and policies to ensure that DDDS is responsive to individuals with a disability;
 - (d) review the DDDS budget to ensure that it is adequate to effectively evaluate disability claims and to meet the needs of persons with disabilities who have claims pending with DDDS; and
 - (e) review and recommend changes to policies and practices of allied state and federal agencies, health care providers, and private community organizations.
- (11) The council shall annually report to the board regarding its activities.

(12) (a) To assist the council in its duties, DDDS shall provide the necessary staff assistance to enable the council to make timely and effective recommendations.

(b) Staff assistance may include:

- (i) distributing meeting agendas;
 - (ii) advising the chairpersons of the council regarding relevant items for council discussion; and
 - (iii) providing reports, documents, budgets, memorandums, statutes, and regulations regarding the management of DDDS.
- (c) Staff assistance shall include maintaining minutes.

Amended by Chapter 167, 2013 General Session

53A-15-301. Education programs for students with disabilities -- Supervision by the State Board of Education -- Enforcement.

(1) (a) All students with disabilities, who are between the ages of three and 22 and have not graduated from high school with a regular diploma, are entitled to a free, appropriate public education.

(b) For purposes of Subsection (1)(a), if a student with a disability turns 22 during the school year, the entitlement extends to the:

- (i) beginning of the school's winter holiday for those who turn 22 on or after the beginning of the school year and before December 31; and
- (ii) end of the school year for those who turn 22 after December 31 and before the end of the school year.

(c) The State Board of Education shall adopt rules consistent with applicable state and federal law to implement this chapter.

(2) The rules adopted by the state board shall include the following:

- (a) appropriate and timely identification of students with disabilities;
- (b) diagnosis, evaluation, and classification by qualified personnel;
- (c) standards for classes and services;
- (d) provision for multidistrict programs;
- (e) provision for delivery of service responsibilities;
- (f) certification and qualifications for instructional staff; and
- (g) services for dual enrollment students attending public school on a part-time basis under Section 53A-11-102.5.

(3) (a) The state board shall have general control and supervision over all educational programs for students within the state who have disabilities.

(b) Those programs must comply with rules adopted by the state board under this section.

(4) The state superintendent of public instruction shall enforce this chapter.

Amended by Chapter 82, 2002 General Session

53A-15-302. State director of special education -- Qualifications -- Duties.

(1) The State Board of Education shall appoint a state director of special education, who shall be qualified and experienced in the area of special education.

(2) The state director has the following duties and responsibilities:

- (a) to assist the state board and state superintendent of public instruction in performing their duties under this chapter;
- (b) to encourage and assist school districts and other authorized public agencies in the organization of programs for students with disabilities;
- (c) to provide general supervision over all public programs offered through a public school, public agency, public institution, or private agency for students with disabilities;
- (d) to cooperate with private schools and other private agencies concerned with educating and training students with disabilities; and
- (e) to coordinate all state programs for students with disabilities.

Amended by Chapter 53, 1992 General Session

53A-15-303. School district responsibility -- Reimbursement of costs -- Other programs.

(1) (a) Each school district shall provide, either singly or in cooperation with other school districts or public institutions, a free, appropriate education program for all students with disabilities who are residents of the district.

(b) The program shall include necessary special facilities, instruction, and education-related services.

(c) The costs of a district's program, or a district's share of a joint program, shall be paid from district funds.

(2) School districts that provide special education services under this chapter in accordance with applicable rules of the State Board of Education shall receive reimbursement from the board under Title 53A, Chapter 17a, Minimum School Program Act, and other applicable laws.

(3) (a) A school district may, singly or in cooperation with other public entities, provide education and training for persons with disabilities who are younger than three or older than 22 consistent with Subsection 53A-15-301(1).

(b) The cost of such a program may be paid from fees, contributions, and other funds received by the district for support of the program, but may not be paid from public education funds.

Amended by Chapter 82, 2002 General Session

53A-15-303.5. Participation of students with a disability in extracurricular activities.

(1) A student with a disability may not be denied the opportunity of participating in public school programs or extracurricular activities solely because of the student's age, unless the participation threatens the health or safety of the student.

(2) The school district in cooperation with the Utah Department of Health shall establish criteria used to determine the health and safety factor.

(3) Subsection (1) applies to a student who:

(a) has not graduated from high school with a regular diploma; and

(b) is under the age of 20, if participation is recommended by the student's individualized education program team.

Amended by Chapter 215, 2000 General Session

53A-15-304. Services provided by Department of Health.

The Department of Health shall provide diagnostic and evaluation services, which are required by state or federal law but are not typically otherwise provided by school districts, to students with disabilities.

Amended by Chapter 53, 1992 General Session

53A-15-304.5. Special education assessments for children in the custody of the Division of Child and Family Services.

Each school district shall provide an initial special education assessment for children who enter the custody of the Division of Child and Family Services, upon request by that division, for children whose school records indicate that they may have disabilities requiring special education services. The assessment shall be conducted within 30 days of the request by the Division of Child and Family Services.

Enacted by Chapter 318, 1996 General Session

53A-15-305. Resolution of disputes in special education -- Hearing request -- Timelines -- Levels -- Appeal process -- Recovery of costs.

(1) The Legislature finds that it is in the best interest of students with disabilities to provide for a prompt and fair final resolution of disputes which may arise over educational programs and rights and responsibilities of students with disabilities, their parents, and the public schools.

(2) Therefore, the State Board of Education shall adopt rules meeting the requirements of 20 U.S.C. Section 1415 governing the establishment and maintenance of procedural safeguards for students with disabilities and their parents or guardians as to the provision of free, appropriate public education to those students.

(3) The timelines established by the board shall provide adequate time to address and resolve disputes without unnecessarily disrupting or delaying the provision of free, appropriate public education for students with disabilities.

(4) Prior to seeking a hearing or other formal proceedings, the parties to a dispute under this section shall make a good faith effort to resolve the dispute informally at the school building level.

(5) (a) If the dispute is not resolved under Subsection (4), a party may request a due process hearing.

(b) The hearing shall be conducted under rules adopted by the board in accordance with 20 U.S.C. Section 1415.

(6) (a) A party to the hearing may appeal the decision issued under Subsection (5) to a court of competent jurisdiction under 20 U.S.C. Section 1415(i).

(b) The party must file the judicial appeal within 30 days after issuance of the due process hearing decision.

(7) If the parties fail to reach agreement on payment of attorney fees, then a party seeking recovery of attorney fees under 20 U.S.C. Section 1415(i) for a special education administrative action shall file a court action within 30 days after issuance of a decision

under Subsection (5).

Amended by Chapter 9, 2001 General Session

53A-15-401. State Board of Education to supervise.

(1) The general control and supervision, but not the direct management, of adult education is vested in the State Board of Education.

(2) The board has the following powers:

(a) makes and enforces rules to organize, conduct, and supervise adult education;
(b) appoints state staff for the adult education program, establishes their duties, and fixes their compensation;

(c) determines the qualifications of, and issues teaching certificates to, persons employed to give adult education instruction; and

(d) determines the basis of apportionment and distributes funds made available for adult education.

(3) (a) The State Board of Education shall make rules providing for the establishment of fees which shall be imposed by local school boards for participation in adult education programs.

(b) A fee structure for adult education shall take into account the ability of a Utah resident who participates in adult education to pay the fees.

(c) Sections 53A-12-103 and 53A-12-104 pertaining to fees and fee waivers in secondary schools do not apply to adult education.

Amended by Chapter 257, 2004 General Session

53A-15-402. Director of adult education.

(1) Upon recommendation of the state superintendent, the State Board of Education may appoint a full-time director for adult education to work under the supervision of the board.

(2) The director may coordinate the adult education program authorized under Sections 53A-15-401 through 53A-15-405 with other adult education programs.

Enacted by Chapter 2, 1988 General Session

53A-15-403. Local school boards' authority to direct adult education programs.

A local school board may do the following:

(1) establish and maintain classes for adult education, with classes being held at times and places convenient and accessible to the members of the class;

(2) raise and appropriate funds for an adult education program;

(3) subject to Sections 53A-12-101 and 53A-15-401, determine fees for participation in an adult education program; and

(4) hire persons to instruct adult education classes.

Amended by Chapter 257, 2004 General Session

53A-15-404. Eligibility.

(1) Adult education classes are open to every person 18 years of age or over and to any person who has completed high school.

(2) Eligible nonresidents of the state shall be charged tuition at least equal to that charged nonresident students for similar classes at a local or nearby state college or university, unless waived in whole or in part by the local school board in an open meeting.

(3) The district superintendent may, upon the recommendation of an authorized representative of the Division of Child and Family Services, exempt an adult domiciled in Utah from the payment of adult education fees.

Amended by Chapter 318, 1996 General Session

53A-15-405. Salaries -- Costs.

(1) Salaries and other necessary expenses of the state adult education staff shall be paid from funds appropriated for adult education.

(2) The State Board of Education shall determine the terms and conditions of payment.

(3) A local school board shall pay all costs incident to the local administration and operation of its adult education program.

(4) The board shall submit reports required by the State Board of Education for the administration of adult education.

Enacted by Chapter 2, 1988 General Session

53A-15-603. Gang prevention and intervention policies.

(1) (a) The State Board of Education shall adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction.

(b) The rules described in Subsection (1)(a) shall provide that the gang prevention and intervention policies of a local school board or charter school governing board may include provisions that reflect the individual school district's or charter school's unique needs or circumstances.

(2) The rules described in Subsection (1) may include the following provisions:

(a) school faculty and personnel shall report suspected gang activities relating to the school and its students to a school administrator and law enforcement;

(b) a student who participates in gang activities may be excluded from participation in extracurricular activities, including interscholastic athletics, as determined by the school administration after consultation with law enforcement;

(c) gang-related graffiti or damage to school property shall result in parent or guardian notification and appropriate administrative and law enforcement actions, which may include obtaining restitution from those responsible for the damage;

(d) if a serious gang-related incident, as determined by the school administrator in consultation with local law enforcement, occurs on school property, at school related activities, or on a site that is normally considered to be under school control, notification shall be provided to parents and guardians of students in the school:

(i) informing them, in general terms, about the incident, but removing all personally

identifiable information about students from the notice;

(ii) emphasizing the school's concern for safety; and

(iii) outlining the action taken at the school regarding the incident;

(e) school faculty and personnel shall be trained by experienced evidence based trainers that may include community gang specialists and law enforcement as part of comprehensive strategies to recognize early warning signs for youth in trouble and help students resist serious involvement in undesirable activity, including joining gangs or mimicking gang behavior;

(f) prohibitions on the following behavior:

(i) advocating or promoting a gang or any gang-related activities;

(ii) marking school property, books, or school work with gang names, slogans, or signs;

(iii) conducting gang initiations;

(iv) threatening another person with bodily injury or inflicting bodily injury on another in connection with a gang or gang-related activity;

(v) aiding or abetting an activity described under Subsections (1)(f)(i) through (iv) by a person's presence or support;

(vi) displaying or wearing common gang apparel, common dress, or identifying signs or symbols on one's clothing, person, or personal property that is disruptive to the school environment; and

(vii) communicating in any method, including verbal, non-verbal, and electronic means, designed to convey gang membership or affiliation.

(3) The rules described in Subsection (1) may require a local school board or governing board of a charter school to publicize the policies enacted by the local school board or governing board of a charter school in accordance with the rules described in Subsection (1) to all students, parents, guardians, and faculty through school websites, handbooks, letters to parents and guardians, or other reasonable means of communication.

(4) The State Board of Education may consult with appropriate committees, including committees that provide opportunities for the input of parents, law enforcement, and community agencies, as it develops, enacts, and administers the rules described in Subsection (1).

Enacted by Chapter 207, 2010 General Session

53A-15-1001. Title.

This part is known as the "Electronic High School Act."

Enacted by Chapter 227, 2006 General Session

53A-15-1002. Definitions.

As used in this part:

(1) "Board" means the State Board of Education.

(2) "Electronic High School" means a rigorous program offering grade 9 - 12 level online courses and coordinated by the board.

(3) "Home-schooled student" means a student:

- (a) attends a home school;
- (b) is exempt from school attendance pursuant to Section 53A-11-102; and
- (c) attends no more than two regularly scheduled classes or courses in a public school per semester.
- (4) "Open-entry, open-exit" means:
 - (a) a method of instructional delivery that allows for flexible scheduling in response to individual student needs or requirements and demonstrated competency when knowledge and skills have been mastered; and
 - (b) students have the flexibility to begin or end study at any time, progress through course material at their own pace, and demonstrate competency when knowledge and skills have been mastered.

Amended by Chapter 238, 2012 General Session

53A-15-1002.5. Electronic High School created -- Purpose.

The Electronic High School is created:

- (1) to provide an opportunity for a student who has failed a course to retake the course and earn course credit;
- (2) to allow a student to complete high school graduation requirements and exit high school early;
- (3) to allow a student to take a course online so that the student has greater flexibility in scheduling courses during the regular school day; and
- (4) to allow a home-schooled or private school student in Utah to take a course within the Utah high school core curriculum.

Enacted by Chapter 238, 2012 General Session

53A-15-1003. Courses and credit.

- (1) The Electronic High School may only offer courses required for high school graduation or that fulfill core curriculum course requirements established by the State Board of Education.
- (2) The Electronic High School shall:
 - (a) offer courses in an open-entry, open-exit format; and
 - (b) offer core curriculum courses that are in conformance with course standards and objectives established by the board.
- (3) Public schools shall:
 - (a) accept all credits awarded to students by the Electronic High School; and
 - (b) apply credits awarded for a core curriculum course toward the fulfillment of core curriculum requirements.

Amended by Chapter 238, 2012 General Session

53A-15-1004. Student eligibility for enrollment.

- (1) Utah students at any age or in any grade may enroll in Electronic High School courses.
- (2) The Electronic High School shall accept students into courses on a first-come

first-served basis.

Enacted by Chapter 227, 2006 General Session

53A-15-1005. Services to students with disabilities.

Students with disabilities who may need additional services or resources and who seek to enroll in Electronic High School classes may request appropriate accommodations through the students' assigned schools or school districts.

Enacted by Chapter 227, 2006 General Session

53A-15-1006. Payment for an Electronic High School course.

(1) Electronic High School courses are provided to students who are Utah residents, as defined in Section 53A-2-201, free of charge.

(2) Nonresident students may enroll in Electronic High School courses for a fee set by the board, provided that the course can accommodate additional students.

Amended by Chapter 238, 2012 General Session

53A-15-1007. Electronic High School diploma.

The Electronic High School may award a diploma to a student that meets any of the following criteria upon the student's completion of high school graduation requirements set by the board:

- (1) a home-schooled student;
- (2) a student who has dropped out of school and whose original high school class has graduated; or
- (3) a student who is identified by the student's resident school district as ineligible for graduation from a traditional high school program for specific reasons.

Enacted by Chapter 227, 2006 General Session

53A-15-1008. Review by legislative auditor general.

(1) The legislative auditor general shall conduct a performance audit of the Electronic High School as directed by the Legislative Audit Subcommittee.

(2) In conducting the performance audit of the Electronic High School, the legislative auditor general shall develop performance metrics using factors such as:

- (a) course completion rate;
- (b) number of credits earned; and
- (c) cost of providing online courses.

(3) The legislative auditor general shall use the performance metrics developed under Subsection (2) to evaluate the Electronic High School in comparison with other online programs.

Enacted by Chapter 238, 2012 General Session

53A-15-1101. Definitions.

As used in this part:

(1) "Principal" includes the chief administrator of a school that does not have a principal.

(2) "School" means a public school, including a charter school.

(3) "School official" means the principal of a school or the local school board for a school district.

(4) "School uniform" means student clothing conforming to a school uniform policy under this part, which may include a dress code, dress of designated colors, or a reasonable designated uniform of a particular style. A school uniform policy may not include very expensive or prescriptive clothing requirements.

Enacted by Chapter 190, 2006 General Session

53A-15-1102. Uniforms in schools -- Legislative finding -- Policies.

(1) The Legislature finds that:

(a) each student should be allowed to learn in a safe environment which fosters the learning process and is free from unnecessary disruptions;

(b) the wearing of certain types of clothing may identify students as members of youth gangs and contribute to disruptive behavior and violence in the schools;

(c) school uniform policies may be part of an overall program to:

(i) improve school safety and discipline; and

(ii) help avoid the disruption of the classroom atmosphere and decorum and prevent disturbances among students; and

(d) school uniforms may:

(i) decrease violence and theft among students; and

(ii) foster and promote desirable school operating conditions and a positive educational environment in accordance with this part.

(2) In accordance with Section 53A-15-1103, a school may adopt a school uniform policy that requires students enrolled at that school to wear a designated school uniform during the school day.

(3) A school uniform policy shall:

(a) protect students' free exercise of religious beliefs;

(b) specify whether the uniform policy is voluntary or mandatory for students;

(c) specify whether or not the uniform policy has an opt-out provision in addition to the provisions under Subsection (5); and

(d) include a provision for financial assistance to families who cannot afford to purchase a required uniform, which may include:

(i) the school providing school uniforms to students;

(ii) the school making used school uniforms available to students; or

(iii) other programs to make school uniforms available to economically disadvantaged students.

(4) A school uniform policy under this part is not considered a fee for either an elementary or a secondary school.

(5) A school uniform policy shall include a provision allowing a principal at any time during the school year to grant an exemption from wearing a school uniform to a student because of extenuating circumstances.

(6) (a) If a school adopts a school uniform policy under this part, that school's governing body or local school board shall adopt local appellate procedures for school actions under this part, including a denial of an exemption requested under Subsection (5).

(b) A person may seek judicial review of an action under this part only after exhausting the remedies provided under this Subsection (6).

Enacted by Chapter 190, 2006 General Session

53A-15-1103. Uniforms in schools -- Policy approval.

(1) The school uniform policy authorized in Section 53A-15-1102 may be adopted:

(a) for a charter school:

(i) by the governing body or administrator of the charter school in accordance with Subsection (2); or

(ii) by including the school uniform policy in the school's charter approved in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act;

(b) for more than one school at the district level by a local school board in accordance with Subsection (2); or

(c) for a single school at the school level by the principal of the school in accordance with Subsection (2).

(2) A school uniform policy adopted by an election is subject to the following requirements:

(a) the adopting authority shall hold a public hearing on the matter prior to formal adoption of the school uniform policy;

(b) (i) the adopting authority shall hold an election for approval of a school uniform policy prior to its adoption and shall receive an affirmative vote from a majority of those voting at the election; and

(ii) only parents and guardians of students subject to the proposed school uniform policy may vote at the election, limited to one vote per family.

(3) (a) A local school board or principal is required to hold an election to consider adoption of a school uniform policy for an entire school district or an individual school if initiative petitions are presented as follows:

(i) for a school district, a petition signed by a parent or guardian of 20% of the district's students presented to the local school board; and

(ii) for an individual school, a petition signed by a parent or guardian of 20% of the school's students presented to the principal.

(b) The public hearing and election procedures required in Subsection (2) apply to Subsection (3).

(4) (a) The procedures set forth in Subsections (3) and (4) shall apply to the discontinuance or modification of a school uniform policy adopted under this section.

(b) A vote to discontinue an adopted school uniform policy may not take place during the first year of its operation.

(5) The adopting authority shall establish the manner and time of an election required under this section.

Enacted by Chapter 190, 2006 General Session

53A-15-1201. Title.

This part is known as the "Statewide Online Education Program Act."

Enacted by Chapter 419, 2011 General Session

53A-15-1201.5. Program name.

(1) The program created under this part shall be known as the "Statewide Online Education Program."

(2) The program name, "Statewide Online Education Program," shall be used in the dissemination of information on the program.

Enacted by Chapter 238, 2012 General Session

53A-15-1202. Definitions.

As used in this part:

(1) "District school" means a public school under the control of a local school board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

(2) "Eligible student" means:

(a) a student enrolled in a district school or charter school in Utah; or

(b) beginning on July 1, 2013, a student:

(i) who attends a private school or home school; and

(ii) whose custodial parent or legal guardian is a resident of Utah.

(3) "LEA" means a local education agency in Utah that has administrative control and direction for public education.

(4) "Online course" means a course of instruction offered by the Statewide Online Education Program through the use of digital technology.

(5) "Primary LEA of enrollment" means the LEA in which an eligible student is enrolled for courses other than online courses offered through the Statewide Online Education Program.

(6) "Released-time" means a period of time during the regular school day a student is excused from school at the request of the student's parent or guardian pursuant to rules of the State Board of Education.

Amended by Chapter 238, 2012 General Session

53A-15-1203. Statewide Online Education Program created -- Designated as program of the public education system -- Purposes.

(1) The Statewide Online Education Program is created to enable an eligible student to earn high school graduation credit through the completion of publicly funded online courses.

(2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online Education Program is designated as a program of the public education system.

(3) The purposes of an online school are to:

(a) provide a student with access to online learning options regardless of where the student attends school, whether a public, private, or home school;

- (b) provide high quality learning options for a student regardless of language, residence, family income, or special needs;
- (c) provide online learning options to allow a student to acquire the knowledge and technology skills necessary in a digital world;
- (d) utilize the power and scalability of technology to customize education so that a student may learn in the student's own style preference and at the student's own pace;
- (e) utilize technology to remove the constraints of traditional classroom learning, allowing a student to access learning virtually at any time and in any place and giving the student the flexibility to take advantage of the student's peak learning time;
- (f) provide personalized learning, where a student can spend as little or as much time as the student needs to master the material;
- (g) provide greater access to self-paced programs enabling a high achieving student to accelerate academically, while a struggling student may have additional time and help to gain competency;
- (h) allow a student to customize the student's schedule to better meet the student's academic goals;
- (i) provide quality learning options to better prepare a student for post-secondary education and vocational or career opportunities; and
- (j) allow a student to have an individualized educational experience.

Enacted by Chapter 419, 2011 General Session

53A-15-1204. Option to enroll in online courses offered through the Statewide Online Education Program.

(1) Subject to the course limitations provided in Subsection (2), an eligible student may enroll in an online course offered through the Statewide Online Education Program if:

- (a) the student meets the course prerequisites;
- (b) the course is open for enrollment;
- (c) the online course is aligned with the student's student education/occupation plan (SEOP);
- (d) the online course is consistent with the student's individual education plan (IEP), if the student has an IEP; and

(e) the online course is consistent with the student's international baccalaureate program, if the student is participating in an international baccalaureate program.

(2) An eligible student may enroll in online courses for no more than the following number of credits:

- (a) in the 2011-12 and 2012-13 school years, two credits;
- (b) in the 2013-14 school year, three credits;
- (c) in the 2014-15 school year, four credits;
- (d) in the 2015-16 school year, five credits; and
- (e) beginning with the 2016-17 school year, six credits.

(3) Notwithstanding Subsection (2):

- (a) a student's primary LEA of enrollment may allow an eligible student to enroll in online courses for more than the number of credits specified in Subsection (2); or
- (b) upon the request of an eligible student, the State Board of Education may allow

the student to enroll in online courses for more than the number of credits specified in Subsection (2), if the online courses better meet the academic goals of the student.

(4) An eligible student's primary LEA of enrollment:

(a) in conjunction with the student and the student's parent or legal guardian, is responsible for preparing and implementing a student education/occupation plan (SEOP) for the eligible student, as provided in Section 53A-1a-106; and

(b) shall assist an eligible student in scheduling courses in accordance with the student's SEOP, graduation requirements, and the student's post-secondary plans.

(5) An eligible student's primary LEA of enrollment may not:

(a) impose restrictions on a student's selection of an online course that fulfills graduation requirements and is consistent with the student's SEOP or post-secondary plans; or

(b) give preference to an online course or online course provider.

(6) The State Board of Education, including an employee of the State Board of Education, may not give preference to an online course or online course provider.

(7) (a) Except as provided in Subsection (7)(b), a person may not provide an inducement or incentive to a public school student to participate in the Statewide Online Education Program.

(b) For purposes of Subsection (7)(a):

(i) "Inducement or incentive" does not mean:

(A) instructional materials or software necessary to take an online course; or

(B) access to a computer or digital learning device for the purpose of taking an online course.

(ii) "Person" does not include a relative of the public school student.

Amended by Chapter 238, 2012 General Session

53A-15-1205. Authorized online course providers.

The following entities may offer online courses to eligible students through the Statewide Online Education Program:

(1) beginning with the 2011-12 school year, a charter school or district school created exclusively for the purpose of serving students online; and

(2) beginning with the 2011-12 school year, an LEA program, approved by the LEA's governing board, that is created exclusively for the purpose of serving students online.

Amended by Chapter 238, 2012 General Session

53A-15-1206. Payment for an online course.

(1) For the 2012-13 school year, the fee for a .5 credit online course or .5 credit of a 1 credit online course is:

(a) \$200 for the following core curriculum courses, except a concurrent enrollment course:

(i) financial literacy;

(ii) health;

(iii) fitness for life; and

- (iv) computer literacy;
- (b) \$200 for driver education;
- (c) \$250 for a course that meets core curriculum requirements in fine arts or career and technical education, except a concurrent enrollment course;
- (d) \$300 for the following courses:
 - (i) a course that meets core curriculum requirements in social studies, except a concurrent enrollment course; and
 - (ii) a world language course, except a concurrent enrollment course;
- (e) \$350 for the following courses:
 - (i) a course that meets core curriculum requirements for language arts, mathematics, or science; and
 - (ii) a concurrent enrollment course; and
- (f) \$250 for a course not described in Subsections (1)(a) through (e).
- (2) If a course meets the requirements of more than one course fee category described in Subsection (1), the course fee shall be the lowest of the applicable course fee categories.
- (3) Beginning with the 2013-14 school year, the online course fees described in Subsection (1) shall be adjusted each school year in accordance with the percentage change in value of the weighted pupil unit from the previous school year.
- (4) An online learning provider shall receive payment for an online course as follows:
 - (a) for a .5 credit online course, 50% of the online course fee after the withdrawal period described in Section 53A-15-1206.5;
 - (b) for a 1 credit online course, 25% of the online course fee after the withdrawal period described in Section 53A-15-1206.5 and 25% of the online course fee upon the beginning of the second .5 credit of the online course; and
 - (c) if a student completes a 1 credit online course within 12 months or a .5 credit course within nine weeks following the end of a traditional semester, 50% of the online course fee.
- (5) (a) If a student fails to complete a 1 credit course within 12 months or a .5 credit course within nine weeks following the end of a traditional semester, the student may continue to be enrolled in the course until the student graduates from high school.
- (b) To encourage an online course provider to provide remediation to a student who remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the need for credit recovery, an online course provider shall receive a payment equal to 30% of the online course fee if the student completes the online course before the student graduates from high school.
- (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a school district or charter school may:
 - (a) negotiate a fee with an online course provider for an amount up to the amount prescribed in Subsections (1) through (3); and
 - (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).
- (7) An online course provider who contracts with a vendor for the acquisition of online course content or online course instruction may negotiate the payment for the vendor's service independent of the fees specified in Subsections (1) through (3).

Amended by Chapter 238, 2012 General Session

53A-15-1206.5. Withdrawal from an online course.

(1) An online course provider shall establish a start date for an online course, including a start date for the second .5 credit of a 1 credit online course.

(2) Except as provided in Subsection (3), a student may withdraw from an online course:

(a) within 20 school calendar days of the start date, if the student enrolls in an online course on or before the start date established pursuant to Subsection (1); or

(b) within 20 school calendar days of enrolling in the online course, if the student enrolls in an online course after the start date established pursuant to Subsection (1).

(3) (a) A student may withdraw from a 1 credit online course within 20 school calendar days of the start date of the second .5 credit of the online course.

(b) An online course provider shall refund a payment received for the second .5 credit of an online course if a student withdraws from the online course pursuant to Subsection (3)(a).

(c) If a student withdraws from a 1 credit online course as provided in Subsection (3)(a), the online course provider shall receive payment for the student's completion of .5 credit of the 1 credit course in the same manner as an online course provider receives payment for a student's completion of a .5 credit online course as described in Subsection 53A-15-1206(4).

Enacted by Chapter 238, 2012 General Session

53A-15-1207. State Board of Education to deduct funds and make payments -- Plan for the payment of online courses taken by private and home school students.

(1) (a) The State Board of Education shall deduct money from funds allocated to the student's primary LEA of enrollment under Chapter 17a, Minimum School Program Act, to pay for online course fees.

(b) Money shall be deducted under Subsection (1) in the amount and at the time an online course provider qualifies to receive payment for an online course as provided in Subsection 53A-15-1206(4).

(2) From money deducted under Subsection (1), the State Board of Education shall make payments to the student's online course provider as provided in Section 53A-15-1206.

(3) The Legislature shall establish a plan, which shall take effect beginning on July 1, 2013, for the payment of online courses taken by a private school or home school student.

Amended by Chapter 238, 2012 General Session

53A-15-1208. Course credit acknowledgement.

(1) A student's primary LEA of enrollment and the student's online course provider shall enter into a course credit acknowledgement in which the primary LEA of enrollment and the online course provider acknowledge that the online course provider is responsible

for the instruction of the student in a specified online course.

(2) The terms of the course credit acknowledgement shall provide that:

(a) the online course provider shall receive a payment in the amount provided under Section 53A-15-1206; and

(b) the student's primary LEA of enrollment acknowledges that the State Board of Education will deduct funds allocated to the LEA under Chapter 17a, Minimum School Program Act, in the amount and at the time the online course provider qualifies to receive payment for the online course as provided in Subsection 53A-15-1206(4).

(3) (a) A course credit acknowledgement may originate with either an online course provider or primary LEA of enrollment.

(b) The originating entity shall submit the course credit acknowledgement to the State Board of Education who shall forward it to the primary LEA of enrollment for course selection verification or the online course provider for acceptance.

(c) (i) A primary LEA of enrollment may only reject a course credit acknowledgement if:

(A) the online course is not aligned with the student's SEOP;

(B) the online course is not consistent with the student's IEP, if the student has an IEP;

(C) the online course is not consistent with the student's international baccalaureate program, if the student participates in an international baccalaureate program; or

(D) the number of online course credits exceeds the maximum allowed for the year as provided in Section 53A-15-1204.

(ii) Verification of alignment of an online course with a student's SEOP does not require a meeting with the student.

(d) An online course provider may only reject a course credit acknowledgement if:

(i) the student does not meet course prerequisites; or

(ii) the course is not open for enrollment.

(e) A primary LEA of enrollment or online course provider shall submit an acceptance or rejection of a course credit acknowledgement to the State Board of Education within 72 business hours of the receipt of a course credit acknowledgement from the State Board of Education pursuant to Subsection (3)(b).

(f) If an online course provider accepts a course credit acknowledgement, the online course provider shall forward to the primary LEA of enrollment the online course start date as established under Section 53A-15-1206.5.

(g) If an online course provider rejects a course credit acknowledgement, the online course provider shall include an explanation which the State Board of Education shall forward to the primary LEA of enrollment for the purpose of assisting a student with future online course selection.

(h) If a primary LEA of enrollment does not submit an acceptance or rejection of a course credit acknowledgement to the State Board of Education within 72 business hours of the receipt of a course credit acknowledgement from the State Board of Education pursuant to Subsection (3)(b), the State Board of Education shall consider the course credit acknowledgement accepted.

(i) (i) Upon acceptance of a course credit acknowledgement, the primary LEA of enrollment shall notify the student of the acceptance and the start date for the online course as established under Section 53A-15-1206.5.

(ii) Upon rejection of a course credit acknowledgement, the primary LEA of enrollment shall notify the student of the rejection and provide an explanation of the rejection.

(j) If the online course student has an individual education plan (IEP) or 504 accommodations, the primary LEA of enrollment shall forward the IEP or description of 504 accommodations to the online course provider within 72 business hours after the primary LEA of enrollment receives notice that the online course provider accepted the course credit acknowledgement.

(4) (a) A primary LEA of enrollment may not reject a course credit acknowledgement, because the LEA is negotiating, or intends to negotiate, an online course fee with the online course provider pursuant to Subsection 53A-15-1206(6).

(b) If a primary LEA of enrollment negotiates an online course fee with an online course provider before the start date of an online course, a course credit acknowledgement may be amended to reflect the negotiated online course fee.

Amended by Chapter 238, 2012 General Session

53A-15-1209. Online course credit hours included in daily membership -- Limitation.

(1) Subject to Subsection (2), a student's primary LEA of enrollment shall include online course credit hours in calculating daily membership.

(2) A student may not count as more than one FTE, unless the student intends to complete high school graduation requirements, and exit high school, early, in accordance with the student's education/occupation plan (SEOP).

(3) A student who enrolls in an online course may not be counted in membership for a released-time class, if counting the student in membership for a released-time class would result in the student being counted as more than one FTE.

(4) Except as provided in Subsection (5), a student enrolled in an online course may earn no more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment.

(5) A student enrolled in an online course may earn more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment:

(a) if the student intends to complete high school graduation requirements, and exit high school, early, in accordance with the student's education/occupation plan (SEOP); or

(b) if allowed under local school board or charter school governing board policy.

Amended by Chapter 238, 2012 General Session

53A-15-1210. Administration of statewide assessments to students enrolled in online courses.

(1) A student enrolled in an online course that is a course for which a statewide assessment is administered under Chapter 1, Part 6, Achievement Tests, shall take the statewide assessment.

(2) (a) The State Board of Education shall make rules providing for the

administration of a statewide assessment to a student enrolled in an online course.

(b) Rules made under Subsection (2)(a) shall:

- (i) provide for the administration of a statewide assessment upon a student completing an online course; and
- (ii) require an online course provider to proctor the statewide assessment.

Enacted by Chapter 419, 2011 General Session

53A-15-1211. Report on performance of online course providers.

(1) The State Board of Education, in collaboration with online course providers, shall develop a report on the performance of online course providers, which may be used to evaluate the Statewide Online Education Program and assess the quality of an online course provider.

(2) A report on the performance of an online course provider shall include:

(a) scores aggregated by test on statewide assessments administered under Chapter 1, Part 6, Achievement Tests, taken by students at the end of an online course offered through the Statewide Online Education Program;

(b) the percentage of the online course provider's students who complete online courses within the applicable time period specified in Subsection 53A-15-1206(4)(c);

(c) the percentage of the online course provider's students who complete online courses after the applicable time period specified in Subsection 53A-15-1206(4)(c) and before the student graduates from high school; and

(d) the pupil-teacher ratio for the combined online courses of the online course provider.

(3) The State Board of Education shall post a report on the performance of an online course provider on the Statewide Online Education Program's website.

Amended by Chapter 238, 2012 General Session

53A-15-1212. Dissemination of information on the Statewide Online Education Program.

(1) The State Board of Education shall develop a website for the Statewide Online Education Program which shall include:

(a) a description of the Statewide Online Education Program, including its purposes;

(b) information on who is eligible to enroll, and how an eligible student may enroll, in an online course;

(c) a directory of online course providers;

(d) a link to a course catalog for each online course provider; and

(e) a report on the performance of online course providers as required by Section 53A-15-1211.

(2) An online course provider shall provide the following information on the online course provider's website:

(a) a description of the Statewide Online Education Program, including its purposes;

(b) information on who is eligible to enroll, and how an eligible student may enroll, in an online course;

(c) a course catalog;

(d) scores aggregated by test on statewide assessments administered under Chapter 1, Part 6, Achievement Tests, taken by students at the end of an online course offered through the Statewide Online Education Program;

(e) the percentage of an online course provider's students who complete online courses within the applicable time period specified in Subsection 53A-15-1206(4)(c);

(f) the percentage of an online course provider's students who complete online courses after the applicable time period specified in Subsection 53A-15-1206(4)(c) and before the student graduates from high school; and

(g) the online learning provider's pupil-teacher ratio for the online courses combined.

Amended by Chapter 238, 2012 General Session

53A-15-1212.5. Time period to enroll in an online course.

(1) To provide an LEA and online course providers with estimates of online course enrollment, a student should enroll in an online course, or declare an intention to enroll in an online course, during the high school course registration period designated by the LEA.

(2) Notwithstanding Subsection (1) and except as provided in Subsection (3), a student may enroll in an online course at any time during a calendar year.

(3) (a) A student may alter a course schedule by dropping a traditional classroom course and adding an online course consistent with course schedule alteration procedures adopted by the student's primary LEA of enrollment or high school.

(b) A school district's or high school's deadline for dropping a traditional classroom course and adding an online course shall be the same deadline for dropping and adding a traditional classroom course.

Enacted by Chapter 238, 2012 General Session

53A-15-1213. State Board of Education -- Rulemaking.

The State Board of Education shall make rules in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(1) establish a course credit acknowledgement form and procedures for completing and submitting to the State Board of Education a course credit acknowledgement; and

(2) establish procedures for the administration of a statewide assessment to a student enrolled in an online course.

Enacted by Chapter 419, 2011 General Session

53A-15-1214. Review by legislative auditor general.

The legislative auditor general shall conduct a review and issue a report on the Statewide Online Education Program after the conclusion of the 2013-14 school year.

Enacted by Chapter 419, 2011 General Session

53A-15-1216. Report of noncompliance -- Action to ensure compliance.

(1) The state superintendent shall report to the State Board of Education any report

of noncompliance of this part made to a member of the staff of the State Board of Education.

(2) The State Board of Education shall take appropriate action to ensure compliance with this part.

Enacted by Chapter 238, 2012 General Session

53A-15-1217. Agreements for online instruction.

(1) In addition to offering online courses to students through the Statewide Online Education Program, a school district or charter school may enter into an agreement with another school district or charter school or a consortium of school districts or charter schools to provide online instruction to the school district's or charter school's students.

(2) Online instruction offered pursuant to Subsection (1) is not subject to the requirements of this part.

Enacted by Chapter 238, 2012 General Session

53A-15-1301. Youth suicide prevention programs required in secondary schools -- State Board of Education to develop model programs -- Reporting requirements.

(1) As used in the section:

(a) "Board" means the State Board of Education.

(b) "Intervention" means an effort to prevent a student from attempting suicide.

(c) "Postvention" means mental health intervention after a suicide attempt or death to prevent or contain contagion.

(d) "Program" means a youth suicide prevention program described in Subsection (2).

(e) "Secondary grades":

(i) means grades 7 through 12; and

(ii) if a middle or junior high school includes grade 6, includes grade 6.

(f) "State Office of Education suicide prevention coordinator" means a person designated by the board as described in Subsection (3).

(g) "State suicide prevention coordinator" means the state suicide prevention coordinator described in Section 62A-15-1101.

(2) (a) In collaboration with the State Office of Education suicide prevention coordinator, a school district or charter school shall implement a youth suicide prevention program in the secondary grades of the school district or charter school.

(b) A school district or charter school's program shall include the following components:

(i) prevention of youth suicides;

(ii) youth suicide intervention; and

(iii) postvention for family, students, and faculty.

(3) The board shall:

(a) designate a State Office of Education suicide prevention coordinator; and

(b) in collaboration with the Department of Health and the state suicide prevention coordinator, develop model programs to provide to school districts and charter schools:

- (i) program training; and
 - (ii) resources regarding the required components described in Subsection (2)(b).
- (4) The State Office of Education suicide prevention coordinator shall:
- (a) oversee the youth suicide prevention programs of school districts and charter schools; and
 - (b) coordinate prevention and postvention programs, services, and efforts with the state suicide prevention coordinator.
- (5) A public school suicide prevention program may allow school personnel to ask a student questions related to youth suicide prevention, intervention, or postvention.
- (6) (a) Subject to legislative appropriation, the board may distribute money to a school district or charter school to be used to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide in the school district or charter school.
- (b) The board shall distribute money under Subsection (6)(a) so that each school that enrolls students in grade 7 or a higher grade receives an allocation of at least \$500, or a lesser amount per school if the legislative appropriation is not sufficient to provide at least \$500 per school.
- (c) (i) A school shall use money allocated to the school under Subsection (6)(b) to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide.
- (ii) Each school may select the evidence-based practices and programs, or emerging best practices and programs, for preventing suicide that the school implements.
- (7) (a) The board shall report to the Legislature's Education Interim Committee, by the November 2014 meeting, jointly with the state suicide prevention coordinator, on:
- (i) the progress of school district and charter school programs; and
 - (ii) the board's coordination efforts with the Department of Health and the state suicide prevention coordinator.
- (b) School districts and charter schools shall provide to the board information that is necessary for the board's report to the Legislature's Education Interim Committee as required in Subsection (7)(a).

Amended by Chapter 214, 2014 General Session

Amended by Chapter 349, 2014 General Session

53A-15-1302. Parent education -- Mental health -- Bullying -- Safety.

- (1) (a) Except as provided in Subsection (5), a school district shall offer a seminar for parents of students in the school district that:
- (i) is offered at no cost to parents;
 - (ii) begins at or after 6 p.m.;
 - (iii) is held in at least one school located in the school district; and
 - (iv) covers the topics described in Subsection (2).
- (b) A school district shall annually offer one parent seminar for each 11,000 students enrolled in the school district.
- (c) A school district may:
- (i) develop its own curriculum for the seminar described in Subsection (1)(a); or
 - (ii) use the curriculum developed by the State Board of Education under Subsection

(2).

(d) A school district shall notify each charter school located in the attendance boundaries of the school district of the date and time of a parent seminar, so the charter school may inform parents of the seminar.

(2) The State Board of Education shall:

(a) develop a curriculum for the parent seminar described in Subsection (1) that includes information on:

(i) substance abuse, including illegal drugs and prescription drugs and prevention;

(ii) bullying;

(iii) mental health, depression, suicide awareness, and suicide prevention, including education on limiting access to fatal means; and

(iv) Internet safety, including pornography addiction; and

(b) provide the curriculum, including resources and training, to school districts upon request.

(3) The State Board of Education shall report to the Legislature's Education Interim Committee, by the November 2013 meeting, on the progress of implementation of the parent seminar, including if a local school board has opted out of providing the parent seminar, as described in Subsection (5), and the reasons why a local school board opted out.

(4) The State Board of Education shall report to the Legislature's Education Interim Committee by the November 2014 meeting on:

(a) the progress of implementation of the parent seminar;

(b) the estimated attendance reported by each school district;

(c) a recommendation of whether to continue the parent seminar program; and

(d) if a local school board has opted out of providing the parent seminar, as described in Subsection (5), and the reasons why a local school board opted out.

(5) (a) A school district is not required to offer the parent seminar if the local school board determines that the topics described in Subsection (2) are not of significant interest or value to families in the school district.

(b) If a local school board chooses not to offer the parent seminar, the local school board shall notify the State Board of Education and provide the reasons why the local school board chose not to offer the parent seminar.

Amended by Chapter 349, 2014 General Session

53A-15-1401. Definitions.

As used in this part:

(1) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and the Blind.

(2) "Reasonably accommodate" means an LEA shall make its best effort to enable a parent or guardian to exercise a parental right specified in Section 53A-15-1403:

(a) without substantial impact to staff and resources, including employee working conditions, safety and supervision on school premises and for school activities, and the efficient allocation of expenditures; and

(b) while balancing:

(i) the parental rights of parents or guardians;

- (ii) the educational needs of other students;
- (iii) the academic and behavioral impacts to a classroom;
- (iv) a teacher's workload; and
- (v) the assurance of the safe and efficient operation of a school.

Enacted by Chapter 392, 2014 General Session

53A-15-1402. Annual notice of parental rights.

An LEA shall annually notify a parent or guardian of a student enrolled in the LEA of the parent's or guardian's rights as specified in this part.

Enacted by Chapter 392, 2014 General Session

53A-15-1403. Parental right to academic accommodations.

(1) (a) A student's parent or guardian is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent or guardian. As such, a student's parent or guardian has the right to reasonable academic accommodations from the student's LEA as specified in this section.

(b) Each accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student.

(c) The parental rights specified in this section do not include all the rights or accommodations that may be available to a student's parent or guardian as a user of the public education system.

(2) An LEA shall reasonably accommodate a parent's or guardian's written request to retain a student on grade level based on the student's academic ability or the student's social, emotional, or physical maturity.

(3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a teacher or request for a change of teacher.

(4) An LEA shall reasonably accommodate the request of a student's parent or guardian to visit and observe any class the student attends.

(5) (a) An LEA shall reasonably accommodate a written request of a student's parent or guardian to excuse the student from attendance for a family event or visit to a health care provider, without obtaining a note from the provider.

(b) An excused absence provided under Subsection (5)(a) does not diminish expectations for the student's academic performance.

(6) (a) An LEA shall reasonably accommodate a parent's or guardian's written request to place a student in a specialized class or an advanced course.

(b) An LEA shall consider multiple academic data points when determining an accommodation under Subsection (6)(a).

(7) Consistent with Section 53A-13-108, which requires the State Board of Education to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit towards high school graduation without completing a course in school by:

- (a) testing out of the course; or
- (b) demonstrating competency in course standards.

(8) An LEA shall reasonably accommodate a parent's or guardian's request to meet

with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a regularly scheduled parent teacher conference.

(9) (a) Upon the written request of a student's parent or guardian, an LEA shall excuse the student from taking a test that is administered statewide or the National Assessment of Educational Progress.

(b) The State Board of Education shall ensure through board rule that neither an LEA nor its employees are negatively impacted through school grading or employee evaluation due to a student not taking a test pursuant to Subsection (9)(a).

(10) (a) An LEA shall provide for:

(i) the distribution of a copy of a school's discipline and conduct policy to each student in accordance with Section 53A-11-903; and

(ii) a parent's or guardian's signature acknowledging receipt of the school's discipline and conduct policy.

(b) An LEA shall notify a parent or guardian of a student's violation of a school's discipline and conduct policy and allow a parent or guardian to respond to the notice in accordance with Chapter 11, Part 9, School Discipline and Conduct Plans.

Enacted by Chapter 392, 2014 General Session